

REMARKS

Claim Status

Upon entry of this amendment, claims 1 has been amended, claims 1-15 remain pending. It is submitted that no new subject matter has been introduced by the amendments and that the amendments are fully supported by the specification. It should be further understood that the amendments herein have been made to clarify claim language and not to limit or narrow the scope of the claims, and thus, they should not be interpreted as narrowing claim amendments.

35 USC 103 Rejection

Claim 1 is rejected under 35 USC 103(a) as being unpatentable over Abu-Hakima (U.S. Pat. No. 6,499,021) in view of Lin et al. (U.S. Pat. 6,163,802). For at least the reason(s) set forth below, Applicants respectfully traverse the foregoing rejection. It is alleged, amongst other things, that Abu-Hakima discloses a store of messages. Upon further review of the cited excerpt, Abu-Hakima actually discloses “a store of unified indexed e-messages 80 [that] contains all original received messages” It is further alleged that messages received are necessarily stored at the destination. Claim 1 has been amended to clarify that the messages are archived at the source upon their delivery to the destination. The system as disclosed in Abu-Hakima only stores messages that are received and does not store messages at the source upon their delivery to the destination. Hence, Abu-Hakima does not disclose at least one of the limitations as recited in claim 1. Therefore, combining Abu-Hakima and Lin would not have resulted in the present invention as recited in claim 1. Thus, Applicants respectfully submit that claim 1 is patentable over the cited art.

Claim 2 is rejected under 35 USC 103(a) as being unpatentable over Abu-Hakima in view of Lin et al. and further in view of Xie et al. (U.S. Pat. No. 6,662,213). For at least the reason(s) set forth below, Applicants respectfully traverse the foregoing rejection. As mentioned above, claim 1 is deemed to be patentable over the cited art. Since claim 2 depends from claim 1, this claim thus at least derives its patentability therefrom. Notwithstanding the foregoing, claim 2 by itself is also patentable over the cited art. It is alleged that Xie discloses a database associated with the monitoring means for counting the number of messages delivered during a selected time period. A further review of the cited excerpt shows that, under Xie, “[p]eriodically (e.g., every several seconds or predetermined number of communications), list 414 of identifiers of un-transmitted

communications is packed into a communication and sent from node 400 to node 402.”

Transmitting identifiers of un-transmitted communications is not the same as counting the number of messages delivered. Hence, Xie does not disclose or suggest the limitation(s) as recited in claim 2.

Furthermore, the Examiner concluded that counting the number of delivered messages is inherent in the step of transmitting identifiers of un-transmitted communications. Applicants respectfully traverse the foregoing conclusion. “To establish inherency, the extrinsic evidence ‘must make clear that the missing descriptive matter is necessarily present in the thing described in the reference,’” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999), *see also* MPEP 2112. Transmitting identifiers of un-transmitted communications does not necessarily mean that the number of delivered messages is counted. One function can clearly be performed without the performing the other. Transmitting identifiers of un-transmitted communications can clearly be performed without counting the number of delivered messages. In fact, transmitting identifiers of un-transmitted communications does not necessarily even mean that the number of un-transmitted communications is counted. The identifiers of un-transmitted communications may be forwarded without tallying the total number of such un-transmitted communications. Therefore, combining Xie, Abu-Hakima and Lin would not have resulted in the present invention as recited in claim 2. Thus, Applicants respectfully submit that claim 2 on its own is also patentable over the cited art.

Claims 3-5 are rejected under 35 USC 103(a) as being unpatentable over Abu-Hakima in view of Lin et al. and further in view of Bobo (U.S. Pat. No. 6,350,066). Claims 3-5 depend either directly or indirectly from claim 1 and thus at least derive their patentability therefrom. Without conceding the issues of patentability raised independently with respect to these claims and in the interest of expediting allowance of this present application, Applicants respectfully submit that these claims are patentable over the cited art.

Claims 6, 7 and 9 are rejected under 35 USC 103(a) as being unpatentable over Abu-Hakima in view of Lin et al., further in view of Bobo, and further in view of Hind et al. (U.S. Pat. No. 6,665,721). Claims 6, 7 and 9 depend either directly or indirectly from claim 1 and thus at least

derive their patentability therefrom. Without conceding the issues of patentability raised independently with respect to these claims and in the interest of expediting allowance of this present application, Applicants respectfully submit that these claims are patentable over the cited art.

Claim 8 is rejected under 35 USC 103(a) as being unpatentable over Abu-Hakima in view of Lin et al., further in view of Bobo, further in view of Hind, and further in view of Xie. Claim 8 depends indirectly from claim 1 and thus at least derives its patentability therefrom. Furthermore, the same arguments and rationale set forth above in connection with claim 2 apply to claim 8 with equal force. Therefore, Applicants respectfully submit that these claims are patentable over the cited art.

Claims 10 and 12-14 are rejected under 35 USC 103(a) as being unpatentable over Abu-Hakima in view of Lin et al., further in view of Hind et al., and further in view of Elo et al. (U.S. Pub. No. 2003/0204814). Claims 10, 12-14 depend either directly or indirectly from claim 1 and thus at least derive their patentability therefrom. Without conceding the issues of patentability raised independently with respect to these claims and in the interest of expediting allowance of this present application, Applicants respectfully submit that these claims are patentable over the cited art.

Claim 11 is rejected under 35 USC 103(a) as being unpatentable over Abu-Hakima in view of Lin et al., further in view of Hind et al., further in view of Elo et al. and further in view of Bobo. Claim 11 depends indirectly from claim 1 and thus at least derives its patentability therefrom. Without conceding the issue of patentability and in the interest of expediting allowance of this present application, Applicants respectfully submit that this claim is patentable over the cited art.

Claim 15 is rejected under 35 USC 103(a) as being unpatentable over Abu-Hakima in view of Lin et al., further in view of Hind et al., further in view of Elo et al. and further in view of Xie. Claim 15 depends indirectly from claim 1 and thus at least derives its patentability therefrom. Furthermore, the same arguments and rationale set forth above in connection with claims 2 and 8 apply to claim 15 with equal force. Therefore, Applicants respectfully submit that this claim is patentable over the cited art.

Correspondence Address

Applicants respectfully remind the Examiner that the previous Office Action was forwarded to an incorrect correspondence address. Please forward all future correspondence to the address on record.

Conclusion

In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at the telephone number provided below.

Respectfully submitted,

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